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(d), (e), or (h) of this section. Upon promulgation of the compliance schedule by the Administrator, no person shall own or operate the source except in conformity with the promulgated schedule.

(j) Nothing in this section shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in paragraph (h) of this section fails to satisfy the requirements of § 51.15 (b) and (c) of this chapter.

(k) Any new container, facility, or vessel subject to this regulation that is placed in operation after October 1, 1974, shall within 30 days of commencing operation submit a compliance schedule in conformity with paragraph (i) of this section and shall otherwise comply with this section. Any facility subject to this regulation that is placed in operation after March 1, 1976, shall comply with the applicable requirements of this section immediately upon commencing operation.

[39 FR 12349, Apr. 5, 1974, as amended at 39 FR 41253, Nov. 26, 1974; 41 FR 56643, Dec. 29, 1976; 42 FR 29004, June 7, 1977]

§ 52.788 Operating permits.

Emission limitations and other provisions contained in operating permits issued by the State in accordance with the provisions of the federally approved permit program shall be the applicable requirements of the federally approved State Implementation Plan (SIP) for Indiana for the purpose of sections 112(b) and 113 of the Clean Air Act and shall be enforceable by the United States Environmental Protection Agency (USEPA) and any person in the same manner as other requirements of the SIP. USEPA reserves the right to deem an operating permit not federally enforceable. Such a determination will be made according to appropriate procedures, and be based upon the permit, permit approval procedures or permit requirements which do not conform with the operating permit program requirements or the requirements of USEPA's underlying regulations.

[60 FR 43012, Aug. 18, 1995]

40 CFR Ch. I (7-1-11 Edition)

§§ 52.789–52.792 [Reserved]

§ 52.793 Significant deterioration of air quality.

(a) The requirements of sections 160 through 165 of the Clean Air Act are not met, since the plan does not include approvable procedures for preventing the significant deterioration of air quality.

(b) *Regulations for preventing significant deterioration of air quality.* The provisions of § 52.21(a)(2) and (b) through (bb) are hereby incorporated and made a part of the applicable state plan for the State of Indiana.

(c) All applications and other information required pursuant to § 52.21 of this part from sources located in the State of Indiana shall be submitted to the state agency, Indiana Department of Environmental Management, Office of Air Quality, 100 North Senate Avenue, Indianapolis, Indiana 46204, rather than to EPA's Region 5 office.

[45 FR 52741, Aug. 7, 1980, as amended at 53 FR 18985, May 26, 1988; 68 FR 11323, Mar. 10, 2003; 75 FR 55275, Sept. 10, 2010]

§ 52.794 Source surveillance.

(a) The requirements of 51.212 of this chapter are not met by the phrase "for more than a cumulative total of 15 minutes in a 24-hour period" contained in section 1 of APC-3 of the Indiana Air Pollution Control Regulations.

(b) [Reserved]

(c) 325 IAC 5-1 (October 6, 1980, submittal—§ 52.770(c)(53)) is disapproved for the Lake County sources specifically listed in Table 2 of 325 IAC 6-1-10.2 (§ 52.770(c)(57)); for pushing and quenching sources throughout the State (August 27, 1981, 325 IAC 11-3-2 (g) and (h)—§ 52.770(c)(42)); and for coke oven doors in Lake and Marion Counties (325 IAC 11-3-2(f)—§ 52.770(c)(42)). Applicability of this regulation to these sources is being disapproved because 325 IAC 5-1 does not meet the enforceability requirements of § 51.22 as it applies to these sources. Opacity limits in 325 IAC 6-1-10.2 and certain opacity limits in 325 IAC 11-3 supersede those in 325 IAC 5-1, and USEPA has previously disapproved these superseding

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regulations (§ 52.776 (j), (g), and (f), respectively).

[40 FR 50033, Oct. 28, 1975; 41 FR 3475, Jan. 23, 1976, as amended at 48 FR 55860, Dec. 16, 1983; 51 FR 40676, 40677, Nov. 7, 1986; 52 FR 3644, Feb. 5, 1987; 52 FR 23038, June 17, 1987]

§ 52.795 Control strategy: Sulfur dioxide.

(a) Revised APC-13 (December 5, 1974 submission) of Indiana's Air Pollution Control regulations (sulfur dioxide emission limitation) is disapproved insofar as the provisions identified below will interfere with the attainment and maintenance of the sulfur dioxide ambient air quality standards:

(1) The phrase "equivalent full load" in section 1(b)(2).

(2) The formula " $E_p = 17.0 Q_m^{0.67}$ where $E_p = E_m \times Q_m$ " in section 2(a).

(3) The phrase "Direct fired process operations" in sections 2(a), 3(c), 4(b), and 4(c).

(4) The modification of Q_m for non-Indiana coal as expressed in Section 2(a).

(b) The requirements of § 51.281 are not met by Warrick and Culley electrical generating stations enforcement orders which would revise the sulfur dioxide emission limitations for these two stations.

(c) The requirements of § 51.110(e) are not met by Wayne, Dearborn, Jefferson, Porter, and Warrick Counties.

(d)-(e) [Reserved]

(f) Approval—On March 14, 1996, the State of Indiana submitted a maintenance plan for Lawrence, Washington, and Warren Townships in Marion County and the remainder of the county, and requested that it be redesignated to attainment of the National Ambient Air Quality Standard for sulfur dioxide. The redesignation request and maintenance plan satisfy all applicable requirements of the Clean Air Act.

(g) Approval—On June 17, 1996, the State of Indiana submitted a maintenance plan for LaPorte, Vigo, and Wayne Counties and requested redesignation to attainment for the National Ambient Air Quality Standard for sulfur dioxide for each county in its entirety. The redesignation requests and maintenance plans satisfy all applicable requirements of the Clean Air Act.

(h) Approval—On June 21, 2005, and as supplemented on August 11, 2005, the

State of Indiana submitted a request to redesignate the Lake County sulfur dioxide (SO_2) nonattainment area to attainment of the NAAQS. In its submittal, the State also requested that EPA approve the maintenance plan for the area into the Indiana SO_2 SIP. The redesignation request and maintenance plan satisfy all applicable requirements of the Clean Air Act.

[41 FR 35677, Aug. 24, 1976, as amended at 42 FR 34519, July 6, 1977; 47 FR 10825, Mar. 12, 1982; 47 FR 39168, Sept. 7, 1982; 49 FR 585, Jan. 5, 1984; 51 FR 40676, 40677, Nov. 7, 1986; 53 FR 1358, Jan. 19, 1988; 54 FR 2118, Jan. 19, 1989; 61 FR 58486, Nov. 15, 1996; 70 FR 56131, Sept. 26, 2005]

§ 52.796 Industrial continuous emission monitoring.

(a) APC-8, Appendix I 1.2.3, 3.3, and 6.0 are disapproved because they do not meet the requirements of 40 CFR 51.214.

(b)(1) The requirements of 40 CFR 51, Appendix P 3.3 are hereby incorporated and made a part of the applicable implementation plan for the State of Indiana.

(2) APC-8 does not apply to any source scheduled for retirement by October 6, 1980, or within five years after the promulgation of continuous emission monitoring requirements for that source category in 40 CFR part 51, Appendix P 1.1, provided that adequate evidence and guarantees are provided that clearly show that the source will cease operations on or before such date.

[43 FR 26722, June 22, 1978, as amended at 51 FR 40677, Nov. 7, 1986]

§ 52.797 Control strategy: Lead.(a)-(b) [Reserved]

(c) On January 12, 1988, Indiana's Office of Air Management (OAM), Indiana Department of Environmental Management, agreed to review all relevant hood designs and performance guidance to determine which criteria to use in determining ongoing compliance with the capture efficiency provisions in 326 IAC 15-1 for Quemetco, Inc., and Refined Metals. Because these efficiencies are closely related to equipment design, OAM believes that a review of the process and control equipment designs and operating parameters should provide the necessary determination of